

**Effective 5/12/2015**

**10-2a-305.2 Election of officers of new town -- Primary and final election dates -- County clerk duties -- Candidate duties -- Occupation of office.**

- (1) For the election of town officers, the county legislative body shall:
  - (a) unless a primary election is prohibited by Subsection 20A-9-404(2), hold a primary election; and
  - (b) hold a final election unless the election may be cancelled in accordance with Section 20A-1-206.
- (2) Each election under Subsection (1) shall be consistent with the petition sponsors' determination of the length of each council member's initial term.
- (3)
  - (a) Subject to Subsection (3)(b), the primary election under Subsection (1)(a) shall be held on one of the following election dates:
    - (i) notwithstanding Subsection 20A-1-201.5(2), regular general election under Section 20A-1-201;
    - (ii) notwithstanding Subsection 20A-1-201.5(2), regular primary election under Subsection 20A-1-201.5(1);
    - (iii) municipal primary election under Section 20A-9-404; or
    - (iv) notwithstanding Subsection 20A-1-201.5(2), municipal general election under Section 20A-1-202.
  - (b) The county shall hold the primary election, if necessary, at the earliest of the next election date listed in Subsection (3)(a)(i), (ii), (iii), or (iv) that is at least:
    - (i) 75 days after the incorporation election under Section 10-2a-304; and
    - (ii) 65 days after the last day of the candidate filing period.
- (4)
  - (a) Subject to Subsection (4)(b), the county shall hold the final election under Subsection (1)(b) on one of the following election dates:
    - (i) regular general election under Section 20A-1-201;
    - (ii) municipal primary election under Section 20A-9-404;
    - (iii) municipal general election under Section 20A-1-202; or
    - (iv) regular primary election under Section 20A-1-201.5.
  - (b) The county shall hold the final election on the next earliest election date listed in Subsection (4)(a)(i), (ii), (iii), or (iv):
    - (i) that is after a primary election; or
    - (ii) if there is no primary election, that is at least:
      - (A) 75 days after the incorporation election under Section 10-2a-210; and
      - (B) 65 days after the candidate filing period.
- (5)
  - (a)
    - (i) The county clerk shall publish notice of an election under this section:
      - (A) at least once a week for two successive weeks in a newspaper of general circulation within the future town; and
      - (B) in accordance with Section 45-1-101 for two weeks.
    - (ii) The later notice under Subsection (5)(a)(i) shall be at least one day but no more than seven days before the election.
  - (b)
    - (i) In accordance with Subsection (5)(a)(i)(A), if there is no newspaper of general circulation within the future town, the county clerk shall post at least one notice of the election per

1,000 population in conspicuous places within the future town that are most likely to give notice of the election to the voters.

- (ii) The county clerk shall post the notices under Subsection (5)(b)(i) at least seven days before an election under Subsection (1)(a) or (b).
- (6)
- (a) Until the town is incorporated, the county clerk:
    - (i) is the election officer for all purposes in an election of officers of the town approved at an incorporation election; and
    - (ii) may, as necessary, determine appropriate deadlines, procedures, and instructions that are not otherwise contrary to law.
  - (b) The county clerk shall require and determine deadlines for the filing of campaign financial disclosures of town officer candidates in accordance with Section 10-3-208.
  - (c) The county clerk is responsible to ensure that:
    - (i) a primary or final election for the officials of a newly incorporated town is held on a date authorized by this section; and
    - (ii) the ballot for the election includes each office that is required to be included in the election for officers of the newly incorporated town and the term of each office.
- (7) A person who has filed as a candidate for an office described in this section shall comply with the campaign finance disclosure requirements of Section 10-3-208 and requirements and deadlines as lawfully set forth by the county clerk.
- (8) Notwithstanding Section 10-3-201, the officers elected at a final election described in Subsection (4)(a) shall take office:
- (a) after taking the oath of office; and
  - (b) at noon on the first Monday following the day on which the election official transmits a certificate of nomination or election under the officer's seal to each elected candidate in accordance with Subsection 20A-4-304(2)(c)(ii).

Enacted by Chapter 111, 2015 General Session

Amended by Chapter 352, 2015 General Session, (Coordination Clause)